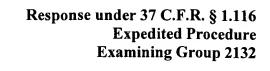
J.F.





PATENT ATTORNEY DOCKET: 041465-5111

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re A	Application of:	)				
Yoshiaki MORIYAMA et al.		)	Confirmation No.: 3429			
Applic	cation No.: 09/851,391	)	Group Art Unit: 2132			
Filed:	May 9, 2001	)	Examiner: Benjamin E. Lanier			
For:	COPYRIGHT PROTECTING METHOD, RECORDING METHOD, RECORDING APPARATUS, REPRODUCTION METHOD AND REPRODUCTION APPARATUS	) ) ) )	Mail Stop AF			
U.S. P Custo	nissioner for Patents Patent and Trademark Office mer Window, Mail Stop AF ndria, VA 22314					
Sir:						
	AMENDMENT TR	AN	ISMITTAL FORM			
1.	Transmitted herewith is an Amendment in response to the Final Office Action dated June 9, 2005, and further to the Notice of Appeal filed on December 9, 2005.					
2.	Additional papers enclosed:					
	Drawings: sheets with figures Information Disclosure Statement Form PTO-1449 Citations Declaration of Biological Deposit Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.					

ATTORNEY DOCKET NO.: 046124-5111

Application No.: 09/851,391

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### 3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

Applicants believe that no extension of time is required because a Notice of Appeal was filed in this application on December 9, 2005. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of time.

Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

Total Months Requested	Fee for Extension	[Fee for Small Entity]	
one month two months three months four months	\$ 120.00 \$ 450.00 \$ 1,020.00 \$ 1,590.00	\$ 60.00 \$ 225.00 \$ 510.00 \$ 795.00	

Extension of time fee due with this request: \$\_\_\_\_\_

If an additional extension of time is required, please consider this a Petition therefor.

#### 4. <u>Constructive Petition</u>

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0573. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

# 5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS A	AMENDED					T
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. § 1.16(c))	15	minus	30	0	x \$50 each =	+ \$0.00
(37 C.I'.K. § 1.10(C))	13	minus	30	0	x \$50 each -	7 30.00
Independent Claims (37 C.F.R. § 1.16 (b))	7	minus	7	0	x \$200 each =	+ \$0.00
Multiple dependent claim(s)					\$360.00	+ \$0.00
SUB-TOTAL =						\$0.00
Reduction by ½ for filing by a small entity						- \$0.00
TOTAL FEE =					\$0.00	

### 6. Fee Payment

$\boxtimes$	No fee is to be paid at this time.
	Enclosed is a check in the amount of \$ for themonth extension of time fee.
	The Commissioner is hereby authorized to charge to Deposit Account No. 50-0573 for the fee.
$\boxtimes$	The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0573.

By:

Respectfully submitted,

DRINKER, BIDDLE & REATH LLP

Dated: December 21, 2005

Paul A. Fournier

Registration No. 41,023

Customer No. 055694 DRINKER, BIDDLE & REATH LLP

1500 K Street, N.W., Suite 1100 Washington, D.C. 20005-1209

Tel: (202) 842-8800 Fax: (202) 842-8465



## Response under 37 C.F.R. § 1.116 Expedited Procedure Examining Group 2132

PATENT

ATTORNEY DOCKET: 041465-5111

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Comm	issioner for Patents		

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Window, Mail Stop AF
Alexandria, VA 22314

Sir:

### **AMENDMENT**

In response to the Final Office Action dated June 9, 2005, and further to the Notice of Appeal filed on December 9, 2005 in this application, the period for response to which extends through February 9, 2006, entry of the following amendments is respectfully requested to place this application in clear condition for allowance or, alternatively, in better form for appeal: